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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ सख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as
a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 31st August, 1966:—

BILL No. 65 OF 1966

A Bill further to amend the Punjab Municipal Act, 1911, as in force in New Delhi.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Municipal (Delhi Amendment) Act, 1966.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act

2. In this Act, "New Delhi" has the meaning assigned to it in clause (32) of section 2 of the Delhi Municipal Corporation Act, 1957.

86 of 1957.

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Amend-
ment of
section 2.

3. In section 2 of the Punjab Municipal Act, 1911, as in force in New Delhi (hereafter in this Act referred to as the principal Act), in "Sub-section (I), for the words "the Schedule", the word and figure Schedule I" shall be substituted.

Pun. Act
3 of 1911.

Amend-
ment of
section 33.

4. In section 33 of the principal Act, in sub-section (1),—

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(a) in clause (a),—

(i) for the figures "119, 122", the figures "119, 121, 122" shall be substituted;

(ii) for the figures and letter "191, 195 A", the figures and letter "191, 195, 195 A" shall be substituted; and

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(b) in clause (d), for the words, figures and letter "under section 195A and under section 195, except to the extent that composition under that section shall require the sanction of the committee", the words, figures and letter "under sections 195 and 195 A" shall be substituted.

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Amend-
ment of
section 43.

5. In section 43 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The committee may provide by bye-laws consistent with this Act and with the rules, for provident fund, pension, gratuity, leave of absence and other conditions of service of the 20 officers and servants of the committee not being persons in the service of the Government."

Insertion
of new
section
53A.

6. After section 53 of the principal Act, the following section shall be inserted, namely:—

Payment
of allow-
ances to
non-offi-
cial mem-
bers out
of muni-
cipal
fund.

"53A. The members of the committee, not being salaried 25 servants of the Government, may be paid out of the municipal fund such allowances, if any, as may be fixed by the State Government in this behalf."

Amend-
ment of
section 61.

7. In section 61 of the principal Act, in clause (a) of sub-section (1), for sub-clause (i), the following sub-clause shall be substituted, 30 namely:—

"(i) not less than ten and not more than twenty per cent. of the annual value;"

8 In section 67 of the principal Act, in sub-section (1), for the words "or by inserting any property which ought to have been or ought to be inserted", the words "or by omitting the name of any person whose name ought not to have been inserted or by altering
5 the entries in respect of any property whereon any building has been erected or re-erected after the preparation of the list or by inserting any property which ought to have been or ought to be inserted" shall be substituted.

Amendment of section 67.

9. In section 72 of the principal Act, in sub-section (2),—

10 (a) in clause (c), for the words "by fire or otherwise", the words "by order of the committee or by fire or otherwise" shall be substituted;

Amendment of section 72.

(b) the following proviso shall be inserted at the end, namely:—

15 "Provided that in the case of any such demolition or destruction otherwise than by order of the committee, the owner shall give notice thereof in writing to the committee and no period prior to the date of such notice shall be taken
20 into account in granting any remission in respect of such property under this sub-section."

10. In section 85 of the principal Act, in sub-section (2), for the words "all other municipal taxes", the words and brackets "all the municipal taxes (including the amount, if any, in dispute in the appeal)" shall be substituted.

Amendment of section 85.

25 11. In section 97 of the principal Act, in sub-section (1), for the words "owner of any building", the words "owner or occupier of any building" shall be substituted.

Amendment of section 97.

12. In the principal Act, for the heading "*Dangerous or offensive trades*" occurring immediately before section 121 thereof and for
30 the said section 121, the following heading and section shall respectively be substituted, namely:—

Substitution of new section for section 121

"Trades and occupations"

35 121. (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the committee in this behalf, namely:—

Premises not to be used for certain purposes without licence.

(a) any of the purposes specified in Part I of Schedule II;

(b) any purpose which is, in the opinion of the committee, dangerous to life, health or property or likely to be a nuisance;

(c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(d) storing any of the articles specified in Part II of Schedule II except for domestic use of any of those articles:

Provided that the committee may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a licence granted under this section for the use of premises as mills or iron yards or for similar purposes, the committee may, when it thinks fit, require the licensee to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The committee shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1):

Provided that no such fee shall exceed rupees five hundred.

(4) Whoever uses or permits to be used any premises for any of the purposes referred to in sub-section (1) in contravention of the provisions of that sub-section or of the terms of a licence granted under that sub-section shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day after the first during which the contravention continues.

Explanation.—For the purposes of this section, “premises” means any land or building or any part of a building within a municipality and includes—

(a) the garden, ground and out-houses, if any, appertaining to such building or part thereof; and

(b) any fittings affixed to such building or any part of such buildings for the beneficial enjoyment thereof.

13. In section 188 of the principal Act, for sub-clause (i) of clause (e), the following sub-clauses shall be substituted, namely:—

Amendment of section 188.

“(i) for the inspection and proper regulation of encamping grounds, pounds, sarais, dhobi ghats, foodgrain godowns, dispensing chemists’ shops, slaughter houses and premises licensed under section 121 for the purposes referred to therein;

“(ia) for the proper custody and care of animals for the keeping of which licences are granted under section 121;

“(iaa) for the maximum quantity of any articles which may be stored for sale in any premises without obtaining a licence under section 121;”.

14. For section 195 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 195.

“195. (1) Where the erection or re-erection of any building has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 189 or in contravention of any provisions of this Act or the rules or the bye-laws, the committee may, in addition to any other action that may be taken under this Act, make an order directing that such erection or re-erection shall be demolished by the person at whose instance the erection or re-erection has been commenced, or is being carried on, or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of reasons therefor has been delivered to that person) as may be specified in the order of demolition:

Order of demolition and stoppage of buildings and works in certain cases and appeal.

Provided that no order of demolition shall be made unless the person has been given, by means of a notice served in such manner as the committee may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or re-erection has not been completed, the committee may, by the same order or by a separate order, whether made at the time of issue of the notice under the first proviso or at any other time, direct the person to stop the erection or re-erection until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by the order of the committee made under sub-section (1) may prefer an appeal against the order to the court of the district judge of Delhi within the period specified in the order for the demolition of the erection or re-erection to which it relates.

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(3) Where an appeal is preferred under sub-section (2) against an order of demolition, the court of the district judge may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection or re-erection has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the court of the district judge unless security, sufficient in the opinion of the court, has been given by the appellant for not proceeding with such erection or re-erection pending the disposal of the appeal.

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(4) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the committee to restrain it from taking any action or making any order in pursuance of the provisions of this section.

(5) Every order made by the court of the district judge on appeal and subject only to such order, the order of demolition made by the committee shall be final and conclusive.

(6) Where no appeal has been preferred against an order of demolition made by the committee under sub-section (1) or where the order made by the committee under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the court of the district judge on appeal and on the failure of the person to comply with the order within such period, the committee may cause the erection or re-erection to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act."

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Amend-
ment of
section
195 A.

15. In section 195A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Where the erection or re-erection of any building has been commenced, or is being carried on without or contrary to

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the sanction referred to in section 189 or in contravention of any provisions of this Act or the rules or the bye-laws, the committee may, by notice, require the owner or any person at whose instance the erection or re-erection has been commenced, or is being carried on to stop the same forthwith."

16. In section 240 of the principal Act, in clause (k) of sub-section (1), for the words and figures "and as to the management and regulation of provident funds established under section 43", the words, brackets and figures "and as to the regulation of provident fund, pension, gratuity, leave of absence and other conditions of service of the officers and servants of the committee referred to in sub-section (2) of section 43" shall be substituted. Amendment of section 240.

17. In the principal Act, the existing Schedule shall be numbered as Schedule I and after Schedule I as so numbered, the following Schedule shall be inserted, namely:— Insertion of new Schedule.

"SCHEDULE II

(See section 121)

PART I

Purposes for which premises may not be used without a licence.

20 Carrying out any of the following trades or operations connected with trades:—

1. Baking.
2. Cinematograph films. Shooting of—
3. Cinematograph films by any process whatsoever. Treating of—
- 25 4. Chillies or masala or corn or seeds. Grinding of by mechanical means—
5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of—
- 30 6. Cloth or yarn. Bleaching—
7. Eating house or a catering establishment. Keeping of an—
8. Grain. Parching—

9. Ground-nut seeds, tamarind seeds or any other seeds.
Parching—

10. Hair dressing saloon or a barber's shop. Keeping of
a—

11. Hides or skins, whether raw or dried. Tanning, 5
pressing or packing—

12. Laundry shop. Keeping a—

13. Leather goods. Manufacturing of by mechanical
means—

14. Litho press. Keeping a— 10

15. Lodging house. Keeping of a—

16. Metal. Casting—

17. Precious metals. Refining of—or recovering of them
from embroideries—

18. Printing press. Keeping a— 15

19. Sweetmeat shop except in premises already licensed
as an eating house. Keeping—

20. Carrying on the trade or business of or any opera-
tion connected with the trade of—

(i) Autocar or autocycle servicing or repairing. 20

(ii) Blacksmithy.

(iii) Coppersmithy.

(iv) Electro-plating.

(v) Glass bevelling.

(vi) Glass cutting. 25

(vii) Glass polishing.

(viii) Goldsmithy.

(ix) Marble cutting, grinding, dressing or polishing.

(x) Metal (ferrous or non-ferrous or antimony but ex-
cluding previous metal) cutting or treating metal by ham- 30

mering, drilling, pressing, filing, polishing, heating or by any other process whatever or assembling parts of metal.

(xi) Photography-studio.

5 (xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.

(xiii) Silversmithy.

(xiv) Spinning or weaving cotton, silk, art silk, or jute or wool with the aid of power.

(xv) Stone grinding, cutting, dressing or polishing.

10 (xvi) Timber or wood sawing or cutting by mechanical or electric power.

(xvii) Tinsmithy.

(xviii) Washerman's trade.

15 (xix) Welding of metal by electric, gas or any process whatsoever.

21. Manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process whatever any of the following articles:—

(i) Aerated waters.

20 (ii) Bakelite goods.

(iii) Bidis (indigenous cigarettes), snuff, cigars or cigarettes

(iv) Bitumen.

(v) Blasting powder.

25 (vi) Bones.

(vii) Bricks or tiles by hand power.

(viii) Bricks or tiles by mechanical power.

(ix) Brushes.

(x) Candles.

30 (xi) Catgut.

(xii) Celluloid or celluloid goods.

(xiii) Cement concrete designs or models.

(xiv) Charcoal.

(xv) Chemicals.

(xvi) Cinematograph films stripping in connection with any trade.

(xvii) Cosmetics or toilet goods.

(xviii) Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste. 5

(xix) Cotton seeds.

(xx) Dammar.

(xix) Dynamite.

(xxii) Fat. 10

(xxiii) Fireworks.

(xxiv) Flax.

(xxv) Ink for printing, writing, stamping, etc.

(xxvi) Gas.

(xxvii) Ghee. 15

(xxviii) Glass or glass articles.

(xxix) Gunpowder.

(xxx) Hemp.

(xxxi) Ice (including dry ice).

(xxxii) Insecticide or disinfectants. 20

(xxxiii) Leather cloth or rexina cloth or water-proof cloth.

(xxxiv) Lime.

(xxxv) Linseed oil.

(xxxvi) Matches for lighting (including Bengal matches).

(xxxvii) Mattresses and pillows. 25

(xxxviii) Offal.

(xxxix) Oil-cloth.

(xl) Oil other than petroleum (either by mechanical power or by hand power or *ghani* driven by bullock or any other animal). 30

Pharmaceutical or medical products.

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- (xlii) Rubber or rubber goods.
 - (xliii) Paints.
 - (xliv) Paper or cardboard.
Pickers from hides.
 - 5 (xlv) Pitch.
 - (xlvii) Plastic goods.
 - (xlviii) Pottery by hand power.
 - (xlix) Pottery by mechanical or any power other than
hand power.
 - 10 (l) Sanitary ware of china-ware.
 - (li) Soap.
 - (lii) Sugar.
 - (liii) Sweetmeat and confectionery goods.
 - (liv) Tallow.
 - 15 (lv) Tar.
 - (lvi) Varnishes.
 - (lvii) Wooden furniture, boxes, barrels, khokas, or other
articles of wood or of plywood or of sandal wood.

PART II

- 20 *Articles which may not be stored in any premises without a licence*
- 1. Asafoetida.
 - 2. Ashes.
 - 3. Bamboos.
 - 4. Bidi leaves.
 - 25 5. Blasting powder
 - 6. Blood.
 - 7. Bones, bone meal or bone powder.
 - 8. Camphor.
 - 9. Carbide of calcium.
 - 30 10. Cardboard.
 - 11. Celluloid or celluloid goods.

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12. Charcoal.
 13. Chemicals, liquid.
 14. Chemicals, non-liquid.
 15. Chillies.
 16. Chlorate mixture. 5
 17. Cinematograph films—non-inflammable or acetate or safety base.
 18. Cloth in pressed bales or boras.
 19. Cloth or clothes of cotton, wool, silk, art silk, etc.
 20. Coal. 10
 21. Coco-nut fibre.
 22. Coke.
 23. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbon dioxide gas, sulphur dioxide gas, chlorine gas, acetylene gas, etc. 15
 24. Copra.
 25. Cotton including Kahok, surgical cotton and silky cotton.
 26. Cotton refuse or waste or cotton yarn refuse or waste.
 27. Cotton seed.
 28. Detonators. 20
 29. Dry leaves.
 30. Dynamite.
 31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.
 32. Fat. 25
 33. Felt.
 34. Fins.
 35. Firewood.
 36. Fireworks.
 37. Fish (dried). 30
 38. Flax.

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39. Fulminate.
40. Fulminate of mercury.
41. Fulminate of silver.
42. Gelatine.
5 43. Gelignite.
44. Grass.
45. Gun-cotton.
46. Gunpowder.
47. Gunny bags.
10 48. Hair.
49. Hay or fodder.
50. Hemp.
51. Hessian cloth (gunny-bag cloth).
52. Hides (dried).
5 53. Hides (raw).
54. Hoofs.
55. Horns.
56. Incense or esas.
57. Jute.
20 58. Khokas, boxes, barrels, furniture or any other article of
wood.
59. Lacquer.
60. Leather.
61. Matches for lighting (including Bengal matches).
25 62. Methylated spirit, denatured spirit or French polish.
63. Nitro-cellulose.
64. Nitro-compound.
65. Nitro-glycerine.
66. Nitro-mixture.
30 67. Offal.
68. Oil, other than petroleum.
69. Oilseeds including almonds, but excluding cotton seeds.
70. Old paper or waste paper including old newspapers,
periodicals, magazines, etc.
35 71. Packing stuff (paper cuttings, husk, saw dust, etc).
72. Paints.

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73. Paper other than old paper in pressed bales or loose or in reams.
74. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.
75. Phosphorus. 5
76. Plastic or plastic goods.
77. Plywood.
78. Rags, including small pieces or cuttings of cloth, hessian cloth (gunny-bag cloth), silk, art silk or woollen cloth.
79. Rosin or dammar Battar otherwise known as Ral. 10
80. Safety fuses, fog signals, catridges, etc.
81. Saltpetre.
82. Sandalwood.
83. Silk waste, or silk yarn waste, art silk waste, or art silk yarn waste. 15
84. Sisal fibre.
85. Skins (raw or dried).
86. Straw.
87. Sulphur.
88. Tallow. 20
89. Tar, pitch, dammar or bitumen.
90. Tarpauline
91. Thinner.
92. Timber.
93. Turpentine. 25
94. Varnish.
95. Wool (raw).
96. Yarn other than waste yarn."

STATEMENT OF OBJECTS AND REASONS

On August 18, 1965, in reply to a starred question in the Lok Sabha, the important changes contemplated in the municipal organization of Delhi were indicated by the Government. It was then stated that the taxation powers of the New Delhi Municipal Committee will be brought on a par with those of the Municipal Corporation of Delhi. This Bill has been brought forward to give effect to that proposal. The opportunity is being availed of to remove certain lacunae and difficulties which have come to notice in the working of the Punjab Municipal Act, 1911, in its application to the New Delhi area.

The important changes sought to be made are as follows:—

(1) Clause 7 seeks to raise the maximum limit of tax on lands and buildings from 12½ per cent. to 20 per cent. of the annual value so as to bring the rate on a par with the maximum rate at which the Municipal Corporation of Delhi can levy property tax.

(2) Clause 8 seeks to enable the Committee to amend the assessment list after its final publication, by omitting the name of any person whose name ought not to have been included in the list or by altering the entries in respect of any property on which any building may have been erected or re-erected after the list has been finalised.

(3) Clause 9 of the Bill seeks to provide that it shall be obligatory on the part of the owner to give information relating to demolition or removal of any buildings so that claims for remission of tax on such buildings could be entertained only for the period after the notice has been given.

(4) The Act at present provides that no appeal shall be entertained against any assessment of tax unless the appellant has paid all other taxes due to the Committee up to the date of such an appeal but does not provide for payment of the amount of tax in dispute in the appeal before the appeal is entertained. Clause 10 makes necessary provisions to cover this lacuna.

(5) At present a water connection can be given by the Committee only on an application made by the owner of any

building. Clause 11 provides for the grant of such connections also on an application made by the occupier of any building.

(6) The provisions of the Act in regard to the regulation of the use of premises for certain dangerous or offensive trades have been found to be inadequate to deal with the situation as it now exists. Clause 12 seeks to suitably modify these provisions to enable the Committee to deal with the situation effectively.

(7) Under the Act, no action can be taken by the Committee in respect of buildings erected without proper sanction after the expiry of a period of six months from such erection. Clauses 14 and 15 of the Bill seek to make provisions for empowering the Committee *inter alia* to take action for demolition of such buildings at any time.

The Bill seeks to achieve the above objects.

NEW DELHI;

G. L. NANDA.

The 21st August, 1966.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 188 of the Punjab Municipal Act, 1911 provides for matters with respect to which bye-laws may be made. Clause 13 of the Bill seeks to amend this section to provide for making of bye-laws (i) for the proper custody and care of animals for the keeping of which licences are granted under section 121, and (ii) for the maximum quantity of any articles which may be stored for sale in any premises without obtaining a licence under section 121, also.

Section 240 of the Act provides for matters with respect to which rules may be made. Clause 16 of the Bill seeks to modify this section so as to provide also for making of rules as to the regulation of pension, gratuity, leave of absence and other conditions of service of the officers and servants of the Committee not being persons in the service of the Government.

The above are matters of administrative detail and procedure and the delegation of legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary.

